

**QUESTIONS FOR THE BOARD OF STATE AND COMMUNITY CORRECTIONS
PROBATION OVERSIGHT COMMISSION WORKING GROUP
NOVEMBER 4, 2016 MEETING**

1. Oversight/Decision-making – What, if any, oversight does the BSCC have over LA County Probation? (Osuna)

The BSCC sets certain minimum standards through its Facilities Standards and Operations (FSO) division for the operation of juvenile facilities, administers some funding to probation departments, acting primarily as a pass through of state funding to support specified county probation programs in addition to providing grants under state and federal programs through its Correction Planning and Programs (CPP) division, and sets the standards for the selection and training of juvenile corrections officers and probation officers through its Standards and Training for Corrections (STC) division. The BSCC's different divisions interact with probation departments in the following manner:

a. Facilities Standards and Operations (FSO):

Pursuant to Welfare and Institutions Code (WIC) sections 209 and 885, the BSCC conducts biennial inspections of all county juvenile halls and camps. Pursuant to WIC sections 210 and 885, BSCC adopts minimum standards (Title 15, California Code of Regulations) for operation and maintenance of juvenile halls and camps. Pursuant to WIC 209 (d), if a juvenile hall is out of compliance with any minimum standards, and compliance is not met within a prescribed time frame, the BSCC Board may deem it unsuitable for holding minors and establish a corrective action plan.

b. Correction Planning & Programs (CPP)

The CPP Division develops, administers and evaluates programs designed to improve the effectiveness of state and local government agencies, as well as the private sector and nonprofit service providers, to foster collaborative approaches for addressing crime and delinquency by fair and equitable approaches. Division staff provide extensive technical assistance and training to state and local agencies as well as grantees. With respect to probation departments, the BSCC acts as a pass through agency for funding to implement public safety Realignment (AB 109) as well as the Juvenile Justice Crime Prevention Act and the Youthful Offender Block Grant. CPP also administers other state and federal grant programs.

c. Standards and Training for Corrections (STC)

STC sets the standards for the selection and training of juvenile corrections officers and probation officers and the training of the supervisors and managers of those classifications. STC provides subvention funding to agencies that participate in the STC program to help them meet the program requirements. STC also assigns a Field Representative to each agency to provide technical assistance to help agencies meet the requirements.

2. Decision-making - what is the BSCC's role and oversight over local agencies or bodies that receive and administer state funding for criminal and juvenile justice matters? (Johnson)

For instance, the JJCC in Los Angeles County has never been comprised of the statutorily required representatives - what is the BSCC's role in enforcing these requirements?

Except for specific grant programs that BSCC administers that require specified outcomes and goals, the BSCC has limited oversight over the spending of local criminal justice funding, acting primarily as a pass through to local revenue accounts. The BSCC also has a role to approve plans related to the administration of Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant money.

It is up to Los Angeles County to ensure compliance with state law. If there are specific requirements that must be met before the Board can approve the plan, the Board may withhold its approval for that particular program.

3. Best practices (related to data and technical assistance)- what does the BSCC do to educate, provide technical assistance and/or ensure that local counties, including their probation departments, are adopting evidence-based and promising practices? How does it set standards for local probation departments in particular? (Johnson)

The BSCC has supported local agencies with technical assistance and resources related to advancing evidence-based practices since 2009 by providing consultation, monitoring, web resources, workshops, funding, and training courses. The BSCC's different divisions utilize evidence-based and best practices as follows:

- a. FSO** – BSCC staff provide continuous technical assistance during inspections, via regular phone and e-mail contact, and through targeted training. We are often asked to provide specific technical assistance upon request. Minimum standards are developed in collaboration with our juvenile justice partners. Before going through the Office of Administrative Law's Administrative Procedures Act (APA), the BSCC forms an Executive Steering Committee (ESC) comprised of Chief Probation Officers, detention facility administrators, medical and mental health administrators, local government officials, attorneys, juvenile justice advocates, and other interested parties. The ESC determines where regulation revisions are most needed based on recent law, national best practices, available data, and inspection results. Once proposed revisions are approved by the BSCC Board, they are put out for public review in accordance with the APA.
- b. CPP** – CPP staff have been trained and certified by the University of Cincinnati for use of the Correctional Program Checklist (CPC), a tool developed by the University of Cincinnati to ascertain how closely local correctional programs and/or departments

meet known principles of evidence-based practices. The CPC training enhances the BSCC staff's overall ability to provide broad-based technical assistance and guidance to the local projects related to evidence-based practices. In addition, the BSCC has awarded grant funding to funding to local agencies to expand the use of evidence-based practices within their local juvenile justice communities.

- c. **STC** – STC's selection and training standards are set using evidence based practices. The standards adhere to professional and federal standards for setting job relevant and defensible selection criteria.

4. What, if any, type of technical assistance has the BSCC provided Los Angeles County regarding adult and/or juvenile detention facilities? Have you provided any training to Los Angeles County staff regarding adult and/or juvenile detention facilities? If so, what did that training entail? (Osuna)

BSCC has provided technical assistance to both adult and juvenile detention facilities in Los Angeles on a regular basis. In recent years, we have met with LA Probation to provide targeted technical assistance related to the detention of status offenders and crowding issues. More recently, in 2013-2014 Los Angeles Probation was found out of compliance with training standards related to hiring of probation staff. Through recent, significant efforts, Los Angeles Probation now exceeds the minimum standards by training their juvenile corrections officers and probation officers prior to job assignment.

5. Data reporting requirements from counties to state - the BSCC is tasked with administering funding to support crime and recidivism reduction around the state. - Are the reporting requirements for each stream of funding to counties sufficient to conclude whether the funded interventions are effective? (Johnson)

For instance, CA statute requires that counties receiving JJCPA funding report on 6 recidivism outcomes for funded interventions. But the Juvenile Justice Data Working Group of the BSCC recommended that the BSCC require more rigorous data collection - in order to be able to better assess the impact and efficacy of programs and services. So far, these recommendations have been rejected. What is the rationale for not strengthening reporting requirements?

Counties are required to report specific information to the BSCC, depending on the funding source. However, in some cases where the BSCC is acting as a pass through agency, there may be little or no requirements for the counties to receive funding. The BSCC is not funded to gather additional information nor is the BSCC able to mandate counties to provide additional information that is not required by statute.

Recently, legislation was introduced to establish the California Juvenile Justice Information system, which would have provided for collection and reporting of juvenile case information, including the reporting on the effectiveness of programs, practices, and intervention strategies. (See S.B. 1031 (Reg. Sess. 2015-2016).) However, this measure was held in the Senate Appropriations Committee.

6. When you collect data that is relative to operations and demographics from local detention facilities, what entities is that data made available to outside of BSCC? (Osuna)

- a. All of our Adult and Juvenile Detention Profile Survey data is published on the BSCC website.
- b. Data that the BSCC collects relative to the federal Juvenile Justice and Delinquency Prevention Act (JJDP) (i.e., status offenders, adults in juvenile facilities, non-offenders) is provided to the federal Office of Juvenile Justice and Delinquency Prevention annually.

7. Inspections/Monitoring - Explain the BSCC's conducting of biennial inspections of local adult and juvenile detention facilities. (Osuna)

BSCC staff provide a "pre-inspection briefing" to all involved probation staff prior to conducting the on-site inspection. This ensures that the department staff prepare applicable documents for BSCC review, have a chance to complete a self-audit prior to BSCC inspection, and also sets expectations for the inspection process. This generally happens one to two months before the on-site inspection. Prior to the on-site inspection, BSCC staff typically conduct a desk audit of the agency's policies and procedures and provide initial results to the agency. This allows the agency to correct many outstanding issues prior to the on-site inspection. During the on-site inspection, staff will: (1) review all applicable documentation relating to Title 15 minimum standards; (2) walk through the entire physical plant to verify compliance with applicable Title 24 minimum standards; and (3) interview youth and staff at the facility to verify compliance with Title 15 minimum standards. BSCC staff will also interview program representatives to verify compliance, including: education staff, medical and mental health staff, and program providers.

After the on-site inspection, BSCC staff provide an exit briefing to facility staff, sharing all issues of noncompliance and recommendations and time frames for correction. During this exit briefing, BSCC staff may also provide any technical assistance related to current operations that may not be out of compliance, but are at risk for noncompliance if changes are not implemented. A corrective action plan, if necessary, will be established. Before the final inspection report is completed and sent to the agency, the BSCC will work with agency representatives to implement corrective action.

8. What does compliance monitoring pursuant to the federal Juvenile Justice and Delinquency Prevention Act (JJDPa) entail? (Osuna)

- a. Two of the four core protections apply to juvenile detention facilities:
 - i. Deinstitutionalization of status offenders (DSO). Status offenders and non-offenders must not be held in secure detention *EXCEPT*:
 - 1. 24 hours prior to, and following, a detention hearing (status offenders only)
 - 2. If youth is an out of state runaway AND an interstate compact is filed, he or she may be held until they are picked up by a parent/guardian/other state
 - ii. Separation. Incarcerated youth and adult inmates must not have contact (defined as verbal and/or visual communication).
- b. Data collection: each probation department submits information on the detention of each status offender (WIC 601) and non-offender (WIC 300) in the county to determine compliance with the Deinstitutionalization of Status Offenders (DSO) core requirement of the JJDPa.
 - i. California is allowed a certain number of violations of the DSO core requirement while remaining in compliance with the JJDPa.
 - ii. In cases of violation, BSCC provides technical assistance where necessary.
- c. Policy and procedure review: BSCC staff reviews policy and procedure applicable to the JJDPa to ensure compliance.
- d. On-site inspection: BSCC staff review detention information to verify that sight and sound between youth in the facility and adult inmates is maintained. Staff also review admission information to determine whether status offenders or non-offenders have been detained; if so, were they detained appropriately.
- e. Targeted technical assistance is provided based on results of inspections and review of data and policy and procedures.